

By: Huffman, et al.
(Dutton, Anchia)

S.B. No. 9

Substitute the following for S.B. No. 9:

By: Dutton

C.S.S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

1
2 relating to public school instruction and materials regarding the
3 prevention of child abuse, family violence, and dating violence and
4 the adoption of public school policies to prevent dating violence.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. This Act may be cited as the Christine Blubaugh
7 Act.

8 SECTION 2. Section 28.004, Education Code, as effective
9 September 1, 2021, is amended by amending Subsections (c) and (j)
10 and adding Subsections (j-2), (q), (q-1), (q-2), (q-3), (q-4),
11 (q-5), and (q-6) to read as follows:

12 (c) The local school health advisory council's duties
13 include recommending:

14 (1) the number of hours of instruction to be provided
15 in:

16 (A) health education in kindergarten through
17 grade eight; and

18 (B) if the school district requires health
19 education for high school graduation, health education, including
20 physical health education and mental health education, in grades 9
21 through 12;

22 (2) policies, procedures, strategies, and curriculum
23 appropriate for specific grade levels designed to prevent physical
24 health concerns, including obesity, cardiovascular disease, Type 2

1 diabetes, and mental health concerns, including suicide, through
2 coordination of:

3 (A) health education, which must address
4 physical health concerns and mental health concerns to ensure the
5 integration of physical health education and mental health
6 education;

7 (B) physical education and physical activity;

8 (C) nutrition services;

9 (D) parental involvement;

10 (E) instruction on substance abuse prevention;

11 (F) school health services, including mental
12 health services;

13 (G) a comprehensive school counseling program
14 under Section [33.005](#);

15 (H) a safe and healthy school environment; and

16 (I) school employee wellness;

17 (3) appropriate grade levels and methods of
18 instruction for human sexuality instruction;

19 (4) strategies for integrating the curriculum
20 components specified by Subdivision (2) with the following elements
21 in a coordinated school health program for the district:

22 (A) school health services, including physical
23 health services and mental health services, if provided at a campus
24 by the district or by a third party under a contract with the
25 district;

26 (B) a comprehensive school counseling program
27 under Section [33.005](#);

1 (C) a safe and healthy school environment; and

2 (D) school employee wellness;

3 (5) if feasible, joint use agreements or strategies
4 for collaboration between the school district and community
5 organizations or agencies;

6 (6) strategies to increase parental awareness
7 regarding:

8 (A) risky behaviors and early warning signs of
9 suicide risks and behavioral health concerns, including mental
10 health disorders and substance use disorders; and

11 (B) available community programs and services
12 that address risky behaviors, suicide risks, and behavioral health
13 concerns; ~~and~~

14 (7) appropriate grade levels and curriculum for
15 instruction regarding opioid addiction and abuse and methods of
16 administering an opioid antagonist, as defined by Section [483.101](#),
17 Health and Safety Code; and

18 (8) appropriate grade levels and curriculum for
19 instruction regarding child abuse, family violence, and dating
20 violence.

21 (j) A school district shall make all curriculum materials
22 used in the district's human sexuality instruction or instruction
23 relating to the prevention of child abuse, family violence, and
24 dating violence, available by:

25 (1) for curriculum materials in the public domain:

26 (A) providing a copy of the curriculum materials
27 by mail or e-mail to a parent of a student enrolled in the district

1 on the parent's request; and

2 (B) posting the curriculum materials on the
3 district's Internet website, if the district has an Internet
4 website; and

5 (2) for copyrighted curriculum materials, allowing a
6 parent of a student enrolled in the district to:

7 (A) review the curriculum materials at the
8 student's campus at any time during regular business hours;

9 (B) purchase a copy of the curriculum materials
10 from the publisher as provided by the district's purchase agreement
11 for the curriculum materials under Subsection (j-1) or (j-2); or

12 (C) review the curriculum materials online
13 through a secure electronic account in a manner that prevents the
14 curriculum materials from being copied and that otherwise complies
15 with copyright law.

16 (j-2) If a school district purchases from a publisher
17 copyrighted curriculum materials for use in the district's
18 instruction relating to the prevention of child abuse, family
19 violence, and dating violence, the district shall ensure that the
20 purchase agreement provides for a means by which a parent of a
21 student enrolled in the district may purchase a copy of the
22 curriculum materials from the publisher at a price that does not
23 exceed the price per unit paid by the district for the curriculum
24 materials.

25 (q) Any course materials and instruction relating to the
26 prevention of child abuse, family violence, and dating violence
27 shall be selected by the board of trustees with the advice of the

1 local school health advisory council.

2 (q-1) The board of trustees shall adopt a policy
3 establishing a process for the adoption of curriculum materials for
4 the school district's instruction relating to the prevention of
5 child abuse, family violence, and dating violence. The policy must
6 require:

7 (1) the board to adopt a resolution convening the
8 local school health advisory council for the purpose of making
9 recommendations regarding the curriculum materials;

10 (2) the local school health advisory council to:

11 (A) after the board's adoption of the resolution
12 under Subdivision (1), hold at least two public meetings on the
13 curriculum materials before adopting recommendations; and

14 (B) provide the recommendations adopted under
15 Paragraph (A) to the board at a public meeting of the board; and

16 (3) the board, after receipt of the local school
17 health advisory council's recommendations under Subdivision (2),
18 to take action on the adoption of the recommendations by a record
19 vote at a public meeting.

20 (q-2) Curriculum materials proposed to be adopted for the
21 school district's instruction relating to the prevention of child
22 abuse, family violence, and dating violence must be made available
23 as provided by Subsection (j)(1) or (2)(A) or (C), as applicable.

24 (q-3) Before adopting curriculum materials for the school
25 district's instruction relating to the prevention of child abuse,
26 family violence, and dating violence, the board of trustees shall
27 ensure that the curriculum materials are:

1 (1) based on the advice of the local school health
2 advisory council;

3 (2) suitable for the subject and grade level for which
4 the curriculum materials are intended; and

5 (3) reviewed by academic experts in the subject and
6 grade level for which the curriculum materials are intended.

7 (q-4) The board of trustees shall determine the specific
8 content of the district's instruction relating to the prevention of
9 child abuse, family violence, and dating violence in accordance
10 with this section.

11 (q-5) Before each school year, a school district shall
12 provide written notice to a parent of each student enrolled in the
13 district of the board of trustees' decision regarding whether the
14 district will provide instruction relating to the prevention of
15 child abuse, family violence, and dating violence to district
16 students. If instruction will be provided, the notice must
17 include:

18 (1) a statement informing the parent of the
19 requirements under state law regarding instruction relating to the
20 prevention of child abuse, family violence, and dating violence;

21 (2) a detailed description of the content of the
22 district's instruction relating to the prevention of child abuse,
23 family violence, and dating violence;

24 (3) a statement of the parent's right to:

25 (A) at the parent's discretion, review or
26 purchase a copy of curriculum materials as provided by Subsection
27 (j);

1 (B) remove the student from any part of the
2 district's instruction relating to the prevention of child abuse,
3 family violence, and dating violence without subjecting the student
4 to any disciplinary action, academic penalty, or other sanction
5 imposed by the district or the student's school; and

6 (C) use the grievance procedure as provided by
7 Subsection (i-1) or the appeals process under Section 7.057
8 concerning a complaint of a violation of this section;

9 (4) a statement that any curriculum materials in the
10 public domain used for the district's instruction regarding the
11 prevention of child abuse, family violence, and dating violence
12 must be posted on the district's Internet website address at which
13 the curriculum materials are located; and

14 (5) information describing the opportunities for
15 parental involvement in the development of the curriculum to be
16 used in instruction relating to the prevention of child abuse,
17 family violence, and dating violence, including information
18 regarding the local school health advisory council established
19 under Subsection (a).

20 (q-6) Before a student may be provided with instruction
21 relating to the prevention of child abuse, family violence, and
22 dating violence, a school district must obtain the written consent
23 of the student's parent. A request for written consent under this
24 subsection:

25 (1) may not be included with any other notification or
26 request for written consent provided to the parent, other than the
27 notice provided under Subsection (q-5); and

1 (2) must be provided to the parent not later than the
2 14th day before the date on which the instruction relating to the
3 prevention of child abuse, family violence, and dating violence
4 begins.

5 SECTION 3. The heading to Section 37.0831, Education Code,
6 is amended to read as follows:

7 Sec. 37.0831. DATING VIOLENCE POLICIES; EDUCATIONAL
8 MATERIALS AND RESOURCES.

9 SECTION 4. Section 37.0831, Education Code, as amended by
10 S.B. No. 1267, Acts of the 87th Legislature, Regular Session, 2021,
11 is amended by amending Subsection (b) and adding Subsection (c) to
12 read as follows:

13 (b) A dating violence policy must:

14 (1) include:

15 (A) a definition of dating violence that includes
16 the intentional use of physical, sexual, verbal, or emotional abuse
17 by a person to harm, threaten, intimidate, or control another
18 person in a dating relationship, as defined by Section 71.0021,
19 Family Code;

20 (B) a clear statement that dating violence is not
21 tolerated at school; and

22 (C) reporting procedures and guidelines for
23 students who are victims of dating violence; and

24 (2) address safety planning, enforcement of
25 protective orders, school-based alternatives to protective orders,
26 training for teachers and administrators at each district campus
27 that instructs students in grade six or higher, counseling for

1 affected students, and awareness education for students and
2 parents.

3 (c) To the extent possible, a school district shall make
4 available to students:

5 (1) age-appropriate educational materials that
6 include information on the dangers of dating violence; and

7 (2) resources to students seeking help.

8 SECTION 5. (a) Except as otherwise provided by Subsection
9 (b) of this section, Section 28.004, Education Code, as amended by
10 this Act, applies beginning with the 2022-2023 school year.

11 (b) Section 28.004(j-2), Education Code, as added by this
12 Act, applies only to a purchase agreement entered into, amended, or
13 renewed on or after the effective date of this Act.

14 SECTION 6. If this Act receives a vote of two-thirds of all
15 the members elected to each house, as provided by Section 39,
16 Article III, Texas Constitution, this Act takes effect on the first
17 day that occurs after August 31, 2021, and is on or after the
18 earliest date on which this Act may take effect. If this Act does
19 not receive the vote necessary for effect on that date, this Act
20 takes effect on the 91st day after the last day of the legislative
21 session.